

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Interview with the Examiner

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held June 9, 2005. The present response summarizes the substance of the interview. At the interview, Applicant's representative presented a proposed amendment, and offered arguments that the applied references fail to disclose or suggest the claimed invention.

The proposed amendment clarifies the "first use" aspect of the present invention, which it was argued is not present in the combined references. It was noted that, while the cited references discuss typical PIN/PUK verification for accessing a network, the additional, or "first use" application of the present invention occurs (1) prior to any functions related to the PIN/PUK verification and (2) only on the first use of the SIM card.

While the Examiner expressed the opinion that the proposed amendment as presented may not sufficiently define the "first use" aspect of the present invention, the Examiner suggested that certain combinations of claims would be allowable. In particular, the Examiner noted that combining claims 1 and 2, along with any one of claims 4, 5, 7, and 8, would result in an allowable claim.

Rejection of claims 1-8 under 35 U.S.C. § 103(a)

Claims 1-4 and 7 presently stand rejected as unpatentable over Schroderus et al (U.S. 5,907,804) in view of Kenagy et al. (U.S. 5,842,124). Claim 5 is rejected as unpatentable over Schroderus in view of Kenagy, and further in view of Hopkins (U.S. 5,757,918), and claims 6 and 8 are rejected as unpatentable over Schroderus in view of Kenagy and further in view of Davis et al (U.S. 6,314,519).

The Examiner's suggestion, during the personal interview with Applicant's representative, that certain combinations of claims would be allowable, is noted with

appreciation. In this regard, Applicant's have adopted the Examiner's suggestion to amend claim 1 to include the limitations of claims 2 and 4. Claims 2 and 4 have been cancelled, accordingly.

Applicant notes that Kenagy discloses that a user (of a cellular telephone) calls a predetermined telephone number to receive a predetermined password. Thus, the password is not stored in the cellular telephone and therefore is not stored within a smart card contained within or read by the cellular telephone, in contrast to the amended claim 1 which requires that "least some personal identification numbers on the card are predetermined and personalized *on the processor smart card.*"

Additionally, while Schroderus discloses the use of PIN/PUK codes for activating a smart card in a network, Schroderus fails to disclose a "first use" application "for preventing use in the network, and allowing only local use by means of a card reader or card terminal", functions that occur only on the first use of the smart card and prior to any use of PIN/PUK codes for activating the smart card in a network.

It is therefore respectfully submitted that the cited references fail to teach each and every limitation of claim 1 as amended.

For at least these reasons, it is respectfully submitted that the amended claim 1, and associated dependant claims 3 and 5-8, are allowable over the cited references.

Rejection of claim 9 under 35 U.S.C. § 103(a)

Claim 9 presently stands rejected as unpatentable over Brogan et al (U.S. 6,012,634) in view of Kenagy. Applicant has amended claim 9, to include the subject matter of claims 2 and 4. It is respectfully submitted that neither Brogan nor Kenagy disclose or suggest a smart card that has a memory wherein is stored an application for the control of the first use of the smart card, and wherein the application requires the entry of a personal identification number for the activation of the application, and wherein a plurality of personal identification numbers are predetermined, stored on the smart card, and indicated on the first use of the smart card.

Kenagy discloses that a user (of a cellular telephone) calls a predetermined telephone number to receive a predetermined password. Thus, the password is not stored in the cellular telephone and therefore is not stored within a smart card contained within or read by the cellular telephone. As the Examiner notes, Brogan discloses neither a smart card having a memory area where there is stored an application for the execution control of the first use of the smart card, nor a secret memory area on the smart card where there is stored information about the first use of the smart card.

It is therefore respectfully submitted that, because the combination of Brogan and Kenagy fails to disclose each and every limitation of the amended claim 9, the amended claim 9 is allowable over the applied references of record. It is respectfully requested that the rejection be withdrawn.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1, 3, and 5-9 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

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Date: June 24, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written in a cursive style.

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